

Serial No. 09/942,673
Examiner: FISCHERMANN, Bryan, R.
Art Unit 3618

Page 5 of 6

REMARKS

By this amendment, claims 7 and 16 have been amended. Claims 1-6, 8, 15 and 23-34 remain cancelled. No claims have been added. Accordingly, claims 7, 9-14, 16, 17, and 22 are now pending in the application. The Applicants want to express their appreciation to Examiner Fischermann for the considerable amount of work put into this file. Reconsideration and allowance of all of the claims are respectfully requested in view of the foregoing amendments and the following remarks.

Regarding Office Action Paragraph 2 (claim 16)

Claim 16 has been amended to overcome the Examiner's objection. The expression "is located" has been removed. Claim 16 is now believed to be in condition for allowance.

Regarding Office Action Paragraph 4 (claim 7 and 11-14)

Claims 7 and 11-14 have been rejected under 35 USC 102(b) as being anticipated by Yamazaki (US 4,475,616). Applicants have amended the claims to add additional limitations related to an ATV, specifically a frame, two front and two rear wheels and an engine having a combustion chamber. An air intake system channeling air to the combustion chamber of the engine has also been added. Furthermore, the air intake opening has been localized above a horizontal plane containing the uppermost portion of the rear wheels.

Yamazaki discloses a scooter type vehicle from on-road use, not an all terrain vehicle made for off-road. Yamazaki does not possess two front wheels nor an air intake opening localized above a plane containing the uppermost portion of the rear wheels. Yamazaki's engine is disposed in front of the rear wheels, the rear vehicle body 2 does not have room to put the air intake opening above a plane containing the uppermost portion of the rear wheels since there is no space on top of the rear wheels to accommodate an air intake, nor would there ever be any motivation to do so since this type of vehicle is designed for road use (as opposed to an ATV wheel designed for off road use). The Applicants consider the rejection of claim 7 is overcome in view of the present amendment and claim 7 is in condition for allowance.

Serial No. 09/942,673
Examiner: FISCHERMANN, Bryan, R.
Art Unit 3618

Page 6 of 6

Regarding Office Action Paragraph 5 (claim 7 and 9-14)

Claims 7 and 11-14 have been rejected under 35 USC 102(e) as being anticipated by Gagnon (US 6,523,634). Gagnon teaches an air intake system capable of supplying an air flow through the radiator disposed at the rear of the vehicle. The air intake, in this respect, was considered operatively connected to the engine by the Examiner. Applicants have amended claim 7 to now recite that the air intake system channels air to the combustion chamber of the engine. The air intake disclosed by Gagnon does not provide air to the combustion chamber of the engine, only to the radiator located at the rear of the vehicle. Thus, claim 7 is now considered in condition for allowance.

Regarding Office Action Paragraph 7 (claim 16 and 17)

Claims 16 and 17 have been objected to as being dependent upon a rejected base claim. Independent claim 7 has been amended so as to overcome the rejection set forth in paragraph 4 of the present Office Action. Claim 16 and 17 depending from claim 7 should now be allowable as well.

Conclusion

In view of the above amendments and remarks, the Applicant respectfully submits that all of the currently pending claims are allowable, and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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